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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/900,310 | 07/06/2001 | Richard Neville | 01360 | 5673 |
| 24118 | 7590 | 06/23/2005 | EXAMINER | |
| HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119 | | | VAN HANDEL, MICHAEL P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2617 | |

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/900,310 | NEVILLE, RICHARD | |
| | Examiner | Art Unit | |
| | Michael Van Handel | 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, 10, 12-15, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Vallone et al.

Referring to claims 1 and 14, Vallone et al. discloses a broadcast data receiver (Input Section 101, Media Switch 102, and Output Section 103) (col. 4, l. 1-51)(Figs. 1, 7), said receiver comprising: recording media (hard disk or storage device) 105, 710 on which received data can be stored for subsequent selective retrieval (col. 4, l. 34, 39-40)(col. 7, l. 33-34)(Figs. 1, 7), control means (CPU) 106, 713 for controlling the operation of the recording media (col. 4, l. 34)(col. 7, l. 32 and col. 13, l. 30-36)(Figs. 1, 7), processing means (Input Section and Output Section) 101, 103 for processing of the received data to generate video and/or auxiliary data for display on a display screen (col. 4, l. 1-32, 40-51)(Figs. 1, 7) and wherein the receiver further includes a means (on-screen display (OSD) generator of Output Section) 103 to generate a display on screen, said display generated upon the user selection of one of a range of operating functions (i.e. record, play, rewind, fast forward, pause, and slow motion) of the recording media to indicate to a user that the recording media is performing a function (col. 19, l. 66-67 and col.

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20, l. 1-10)(Figs. 26, 27). The examiner notes that the method of claim 14 is inherent to the broadcast data receiver of claim 1, with a method including the steps of:

- said receiver calculating the time for completion of an operating function selected by the user using said control means (trick play bar 2601 represents the total time of a program recording and the amount of time that the user is at)(col. 19, l. 34-50)(Fig. 26);
- generating a display on the display screen (television) 716 representing, at least in part, the time for completion of said user-selected operating function (trick play bar represents the total time of a program recording and the amount of time that the user is at)(col. 19, l. 34-50)(Figs. 7, 26); and
- said generated display in whole or part altering in appearance during the passage of calculated time to indicate to the user the stage at any instant with respect to the start and/or completion of the selected function (trick play bar 2601 has a slider 2605 and a position indicator 2608 that are linked together and tell the user visually where his current position is within the program material)(col. 18, l. 55-60)(Fig. 26).

Referring to claim 2, Vallone et al. discloses a broadcast data receiver according to claim 1 wherein said recording media is a hard disk drive (hard disk or storage device) 105, 710 (col. 4, l. 34, 39-40)(col. 7, l. 33-34)(Figs. 1, 7).

Referring to claim 3, Vallone et al. discloses a broadcast data receiver according to claim 1 wherein said display is generated at the time of user selection of a receiver operating function and ends when the receiver operating function has ended (trick play bar 2601 and its associated components are drawn over the program content whenever the user activates any of the trick play

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features i.e., record, play, rewind, fast forward, pause, and slow motion)(col. 19, l. 66-67 and col. 20, l. 1-10)(Figs. 26, 27).

Referring to claim 4, Vallone et al. discloses a broadcast data receiver according to claim 1 wherein said display is generated a pre-determined time period after user selection of a receiver operating function (examiner notes that a pre-determined time delay is inherent to this type of operation).

Referring to claim 6, Vallone et al. discloses a broadcast data receiver according to claim 1 wherein said generated display alters in appearance during the passage of time for which the selected operating function is being performed (trick play bar 2601 has a slider 2605 and a position indicator 2608 that are linked together and tell the user visually where his current position is within the program material)(col. 18, l. 55-60)(Fig. 26).

Referring to claim 7, Vallone et al. discloses a broadcast data receiver according to claim 6 wherein said receiver calculates the time for completion of the selected operating function and the appearance of the generated display alters at any instant with respect to the start and/or completion of the calculated time (trick play bar 2601 represents the total time of a program recording and the amount of time that the user is at)(col. 19, l. 34-50)(Fig. 26).

Referring to claims 8 and 15, Vallone et al. discloses a broadcast data receiver with the method of claim 14 inherent to it, where the generated display includes a bar and movable indicator means is provided in, on and/or adjacent the bar to indicate to the user the passage of time of the selected operating function (a trick play bar 2601 has a slider 2605 and position indicator 2608 linked together that tell the user visually where his current position is within the program material)(col. 18, l. 55-60)(Fig. 26).

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Referring to claims 10 and 17, Vallone et al. discloses a broadcast data receiver according to claims 8 and 15, respectively, wherein said movable indicator means is a color interface which moves relative to the length of said bar during the passage of time of the operating function being performed, said color interface distinguishable from the color of said bar (examiner notes that the slider and movable indicator of Fig. 26 inherently have a color interface and that the interface is distinguishable from the bar).

Referring to claim 12, Vallone et al. discloses a broadcast data receiver according to claim 1 wherein a text message is provided in addition to or as part of the generated display to indicate to the user that a selected operating function is being performed (slider 2605, 2703 displays the time mark of the position)(col. 18, l. 59-60)(Figs. 26, 27).

Referring to claim 13, Vallone et al. discloses a broadcast data receiver according to claim 1 wherein said display is generated on a screen when any of play, record, search receiver functions are being performed (trick play bar 2601 and its associated components are drawn over the program content whenever the user activates any of the trick play features i.e., record, play, rewind, fast forward, pause, and slow motion)(col. 19, l. 66-67 and col. 20, l. 1-10)(Figs. 26, 27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone et al. in view of Rangan et al. Vallone et al. discloses a broadcast data receiver with a movable indicator

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means (slider 2605 and position indicator 2608 linked together that tell the user visually where his current position is within the program material)(col. 18, l. 55-60)(Fig. 26). Vallone et al. does not disclose that the display is generated in a window on the display screen. Rangan et al. discloses a slider bar 75 displayed on a screen 72 (col. 25, l. 19-20 and col. 26, l. 50)(Fig. 2). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Vallone et al. to include a bar on a screen such as that taught by Rangan et al. in order to provide a user with a more intuitive interface.

5. Claims 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone et al. in view of Gupta et al.

Referring to claims 9 and 16, Vallone et al. discloses a broadcast data receiver with a movable indicator means (slider 2605 and position indicator 2608 linked together that tell the user visually where his current position is within the program material)(col. 18, l. 55-60)(Fig. 26). Vallone et al. does not disclose that the movable indicator means is an arrow or pointer that moves relative to the length of said bar during the passage of time of the operating function being performed. Gupta et al. discloses a continuously updated indicator 151 that moves across a bar in accordance with the current playback point within a program (p. 6, paragraph 75, l. 1-4)(Fig. 4). Gupta et al. illustrates indicator 151 as a pointer or arrow in Fig. 4. It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Vallone et al. to include an arrow or pointer such as that taught by Gupta et al. in order to provide a user interface that allows convenient and intuitive indexing or browsing between different points of programs or shows (p. 1, paragraph 12, l. 3-4).

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6. Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone et al. in view of Gelman et al.

Referring to claims 11 and 18, Vallone et al. discloses with a movable indicator means (slider 2605 and position indicator 2608 linked together that tell the user visually where his current position is within the program material)(col. 18, l. 55-60)(Fig. 26). Vallone et al. does not disclose a broadcast data receiver where the movable indicator means includes a plurality of characters or lines, which become visible or invisible during the passage of time of the operating function being performed. Gelman et al. discloses a horizontal bar graph indicator that indicates the current viewing position in a program (col. 11, l. 2-4, 22-26, 53-60)(Figs. 7(a)-7(f)). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Vallone et al. to include a horizontal bar graph indicator such as that taught Gelman et al. in order to provide a user interface that allows convenient and intuitive indexing or browsing between different points of programs or shows (p. 1, paragraph 12, l. 3-4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moeller et al. discloses a system and method for displaying a slider bar 54, 55 on a subscriber's television for indexing to different positions in a video stream.

Ellis et al. discloses an interactive television program guide system with indicators 135 and markers 136 that indicate the currently defined play segment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968.

The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
Examiner
Art Unit 2617

MVH


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